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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,622	02/25/2002	Donald J. Hejna JR.	timeconverge-con	6281
27087	7590	10/31/2007	EXAMINER	
MICHAEL B. EINSCHLAG, ESQ. 25680 FERNHILL DRIVE LOS ALTOS HILLS, CA 94024			NEWLIN, TIMOTHY R	
ART UNIT		PAPER NUMBER		
2623				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/082,622	HEJNA, DONALD J.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Timothy R. Newlin	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 25 February 2002.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-14 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) 9-14 is/are allowed.

6)  Claim(s) 1-8 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 25 February 2002 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date. \_\_\_\_ .  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 2/25/2002.  
5)  Notice of Informal Patent Application  
6)  Other: \_\_\_\_ .

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 3-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Kochanski, U.S. Patent 5,512,934.

3. Regarding claim 1, Kochanski discloses a method for transmitting a work to a client which comprises steps of:

saving at least a portion of the work for a first period of time [col. 8, 16-30, also see col. 7, 33-36];

receiving a request for the work from the client [col. 7, 64-66];

transmitting a time-scale modified version of the saved portion of the work for a second period of time, wherein the second period of time is substantially equal to a time it takes for the time-scale modified version to synchronize with the work, had the work been transmitted from a start of the first period [referring to Figs. 2, 3, and col. 2, 34-49, a first viewer receives a time-scale modified first feed, until it synchronizes

**(“clump[s]” with a second feed which has been transmitting at regular speed since when the first feed began.); and**

**transmitting the work starting at the synchronized point [“clumped” feed is transmitted when synchronization is achieved, col. 2, 46-49].**

4. Regarding claim 3, Kochanski discloses a method of presenting a work that comprises steps of:

receiving and saving at least a portion of a work [col. 7, 33-45; col. 8, 16-30];

receiving a request to present the work from a user [col. 7, 47-55 and 64-66];

presenting a time-scale modified version of the saved portion of the work for a period of time, wherein the period of time is substantially equal to a time it takes for the time-scale modified version to synchronize with the work, had the work been presented at a received presentation rate from a start of the time that saving began [referring to Figs. 2, 3, and col. 2, 34-49, a first viewer receives a time-scale modified first feed, until it synchronizes (“clump[s]” with a second feed which has been transmitting at regular speed since when the first feed began.); and

presenting the work at the received presentation rate [after synchronization of multiple streams, the work is presented using a single video feed at the received presentation rate, Fig. 3; col. 2, 34-49; col. 4, 25-38].

5. Regarding claim 4, Kochanski discloses a method wherein the step of presenting a time-scale modified version comprises generating a time-scale modified version, and presenting the version **[see Figs. 2, 3, and col. 2, 34-49]**.

6. Regarding claim 5, Kochanski discloses a method for transmitting information to a client which comprises the steps of:

receiving a request for information from a client after a predetermined starting time **[col. 7, 47-55]**;

transmitting a first time-scale modified version of a first portion of the information for a first period of time;

transmitting a second time-scale modified version of a second portion of the information for a second period of time; and

transmitting a third portion of the information **[through “clumping”, a client may receive a first, second, and third portion of a work in successive time periods via different TSM versions. For example, Fig. 3 shows the feed to viewer 3 in three different TSMs, first slower, then faster, then slower as viewer 3’s feed is merged with those of viewers 1 and 2. Also see Fig. 2 and col. 4, 25-37]**.

7. Regarding claim 6, Kochanski discloses a method wherein a presentation rate of the first time-scale modified version is different from a presentation rate of the second time-scale modified version. **[Figs. 2 and 3; col. 7, 43-48]**.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 2, 7, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kochanski as cited above in view of Zetts, US 6,378,129.

10. Regarding claim 2, the method disclosed by Kochanski does not specifically discuss multiple works. However, Zetts does disclose a system for synchronizing video transmissions involving a multiplicity of works. **[Fig. 2 and col. 5 disclose a system handling multiple videos].** It would have been obvious to one skilled in the art to use the method of Kochanski to a playlist having multiple videos and timing information, in order to present a sequence of video clips seamlessly, without unreasonable gaps between segments. One would also be motivated to combine Kochanski and Zetts to allow the use of multiple servers to accurately synchronize video content from two or more servers, allowing feeds to be substituted in case one or more streams are interrupted **[col. 3, 12-32].**

11. Regarding claim 7, the combination of Kochanski and Zetts teaches a method for broadcasting information to a client which comprises steps of:

generating a time-scale modified version of at least a portion of a second work

**[Kochanski, Fig. 4 shows video playback devices that generate time-scale modified feeds; cols. 7 and 8; Zetts describes showing a second work, cols. 5-6, 14-13];**

broadcasting a first work to the client, which first work ends at an ending time

**[Zetts; works in playlist end after the start time (fourth column of Fig. 2) plus the duration (column 7 of Fig. 2)];**

broadcasting the second work starting at a predetermined time, wherein the ending time is at, before, or after the predetermined time **[Zetts, Fig. 2; cols. 5-6, 29-4];**

broadcasting the time-scale modified version of the at least a portion of the second work for predetermined periods of time at further predetermined starting times **[Kochanski teaches transmitting time-scale modified version of a work; Zetts shows different versions of a second work being started at predetermined times, in order to synchronize with the end a first work and present seamless video segments, cols. 5-6, lines 14-13];**

and broadcasting the time-scale modified version at one of the further predetermined starting times to the client for one of the predetermined periods of time and thereafter, broadcasting the second work to the client **[in Kochanski, referring to Figs. 2, 3, and col. 2, 34-49, a first viewer receives a time-scale modified first feed, until it synchronizes (“clump[s]”) with a second feed which has been transmitting**

**at regular speed since the first feed began. Zetts teaches the concept of playing a second work at a predetermined time at Fig. 2 and cols. 5-6, lines 29-4].**

12. Regarding claim 8, the combination of Kochanski and Zetts teaches a method wherein the predetermined periods of time are substantially equal to time intervals for the time-scale modified version broadcast at the further predetermined starting times to synchronize with the second work being broadcast. **[Kochanski teaches transmitting time-scale modified version of a work; Zetts shows different versions of a second work being started at predetermined times, in order to synchronize with the end a first work and present seamless video segments, cols. 5-6, lines 14-13].**

#### ***Allowable Subject Matter***

13. Claims 9-14 are allowed, because the prior art does not disclose the specific elements recited in claim 9. In particular, elements involving the "leader duration determiner", "leader streamer", "leader re-broadcast interval" and "leader multicaster" are not anticipated in the prior art. While the overall system has analogous prior art, including Kochanski and Zetts as cited above, the details of the method render claim 9 allowable. Claims 10-14 are allowed because they depend from claim 9.

14. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ganek et al., US 5,724,646; Chou, US 2004/0049793.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy R. Newlin whose telephone number is (571) 270-3015. The examiner can normally be reached on M-F 9-6 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TRN



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